

REMARKS

STATUS OF CLAIMS

Claims 1-13 are pending and stand rejected.

By this Amendment, claims 1, 3-5, 7-9 and 11-13 are amended and new claims 14-17 are added and claims 2, 6 and 10 are cancelled without prejudice or disclaimer.

No new matter is presented in the foregoing claim amendments and new claims, accordingly, approval and entry of same are submitted to be proper and are respectfully requested.

ITEM 1, OBJECTION TO CLAIMS 1, 5, 11 and 13

In the Action at page 2, item 1, claims 1, 5, 11 and 13 are objected to for informalities therein.

Claims 1, 5, 11 and 13 have been amended as suggested by the Examiner. Accordingly, it is submitted that the objection is overcome.

Reconsideration of the objection is respectfully requested.

ITEM 3: REJECTION OF CLAIMS 1-3, 5-7 and 10-13 UNDER 35 U.S.C. §103(a)

In the Action at pages 3-13, item 3, claims 1-3, 5-7 and 10-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Henrick (U.S. Patent No. 6,628,940) in view of Johansson et al. (U.S. Patent No. 5,418,837) and Hagebarth (U.S. Patent No. 6,484,026).

Reconsideration of the rejection is respectfully requested.

Claim 1

Claim 1 is directed to a portable terminal remote control method, and recites "accepting a request by said external device related to a change of setting in said portable terminal from a user of said portable terminal via the wireless communication link; and sending a setting changing mail, by said external device to said portable, in response to the accepted request, wherein the setting changing mail includes a computer program that collectively changes contents of the built-in memory and the storage medium of the portable terminal, and a setting changing identifier that identifies the setting changing mail." According to the present invention

recited in claim 1, the external device provides an acceptance of the request. This allows the external device to prevent a change of setting in the portable terminal, for example, if a third party other than a subscriber request the change.

Henrick Reference

In the Office Action page 3, lines 17-21, the Examiner contends that Henrick discloses the method comprising: ... accepting a request by said external device related to a change of settings in said portable terminal from a user of said portable terminal (column 2, lines 12-34); and ... sending a setting change 'request', by said external device to said portable terminal (column 2, lines 19-22)." However, the portion of Henrick cited by Examiner provide:

In accordance with a first aspect of the invention, the cellular telephone terminal serves as a portable information storage and retrieval device for data stored in and transmitted to the terminal from the personal computer. The computer and associated input devices and screens, local and network databases and interfaces to personal organizer software all allow ease of input and maintenance of the information. A communications path between the personal computer and the telephone terminal is advantageously provided for periodically transferring the information from the personal computer to the telephone terminal. The cellular telephone terminal is thus provided access to information such as a dialing directory, appointments, reminders, etc. that is easily inputted and conveniently stored in the terminal.

(See Henrick at column 2, lines 12-34.)

Nothing in the cited disclosure of Henrick discloses or suggest the recitation in claim 1 of "accepting a request by said external device related to a change of setting in said portable terminal from a user" and, furthermore, in response thereto sending a setting changing mail, by said external device to said portable terminal." Henrick discloses that "[a]fter step 503, the cellular telephone terminal is configured by the user into the "information download" mode at step 507. The user next instructs the computer at step 504 to send the selected data to the cellular telephone terminal." This means that contrary to the present invention, in the Henrick device there is no acceptance of a request by the computer (i.e., corresponding to the external device of the present invention recited in claim 1) because the user at the telephone terminal

(i.e., corresponding to the portable terminal of the present invention recited in claim 1) instructs the computer to send the selected data. Accordingly, since the Henrick computer does not accept requests thereto, the Henrick computer cannot send a setting changing mail in response to the acceptance thereof.

Moreover, in the Office Action at page 3, line 23 to page 4, line 1, the Examiner concedes that Henrick does not disclose "said portable terminal having an attachable/detachable storage medium" and "the setting changing mail collectively changes the contents of said built-in memory and said storage medium of said portable terminal, in response to the received request.

Johansson et al. Reference

In the Office Action at page 4, lines 4-8, the Examiner contends that Johansson discloses the setting changing 'request' collectively changes the contents of said built-in memory and the storage medium of said portable terminal." However, the Johansson apparatus includes a module reader and a software upgrading module (SUM) card (i.e., which the Examiner seems to correspond to the attachable/detachable storage memory of the present invention recited in claim 1) to temporarily connect to the mobile telephone by insertion into the module reader. The SUM card includes means for storing upgrading software to be transmitted into the main memory (i.e., which the Examiner seems to correspond to the built-in memory of the present invention recited in claim 1) in the mobile telephone. (See, for example, Johansson et al. at column 2, lines 30-39.) In particular, according to the disclosure of Johansson et al., inserting a specific SUM card 22' to a mobile telephone allows the mobile telephone to be upgraded using functions of the SUM card 22'. A trigger for the upgrading is a detection of SUM card insertion, which requires physical connection of the mobile telephone and the SUM card. Accordingly, such operation does not include accepting a request by said external device ... via the wireless communication link [e.g., remotely]" (as recited in claim 1). Instead, the Johansson apparatus merely updates the contents of memory 15 in the mobile telephone, and, otherwise, does not further change the contents of a storage medium (i.e. the SUM card 22') collectively with the memory 15. That is, in the Johansson apparatus, requesting upgrading and providing software are both performed in only one direction from, for example, the SUM card 22' to the mobile telephone. On the contrary, the present invention performs upgrading via communication between the external device and the portable terminal.

Hagebarth Reference

In the Office Action at page 4, lines 13-14, the Examiner contends that Hagebarth discloses "the 'request' in the form of mail (column 5, lines 13-22. However, in Hagebarth, Short Message Service (SMS) or electronic mail (e-mail) is used only to inform the customer of performance parameters. That is, processes are not dynamically performed (i.e., changing contents of the built-in memory and the storage medium of the portable terminal) depending on the contents of the SMS or e-mail. Further, Hagebarth is silent regarding processes in which the contents of built-in memory and a storage medium are changed in response to the reception of an SMS or e-mail at the portable terminal, without instructions by a user.

Accordingly, claim 1 is submitted to patentably distinguish over the cited art taken singularly or in any proper combination, and is submitted to be allowable.

Claims 2-3, 5-7 and 10-13

Claims 5 and 11-13 for reasons similar to those of claim 1 are submitted to be allowable over the cited art.

Claims 2-3, 6-7 and 10, which depend from claims 1 and 5, are submitted to be allowable over the cited art for at least the same reasons as claims 1 and 5, as well as for the additional recitations therein.

ITEMS 4-6: REJECTION OF CLAIMS 4, 8 AND 9 UNDER 35 U.S.C. §103(a)

In the Action at pages 13-14, item 4, claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Henrick in view of Johansson and Hagebarth, and further in view of Moles et al. (U.S. Patent No. 6,615,038).

In the Action at pages 14-15, item 5, claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Henrick in view of Johansson and Hagebarth, and further in view of Svensson (U.S. Patent No. 5,687,216).

In the Action at pages 15-16, item 6, claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Henrick in view of Johansson and Hagebarth, and further in view of Hubbe et al. (U.S. Patent No. 6,278,885).

Reconsideration of these rejections are respectfully requested.

Claims 4, 8 and 9 are submitted to be allowable over the combination of Henrick, Johansson and Hagebarth for the same reasons as their respective base claims.

It is submitted that the additional references of Moles et al., Svensson and Hubbe et al., respectively, does not overcome the deficiencies of the combination of Henrick, Johansson and Hagebarth.

Moles is silent regarding the structure of the portable terminal having a built-in memory and an attachable/detachable storage medium. Thus, Moles cannot collectively change contents of the built-in memory and the storage medium of the portable terminal. (See claims 1 and 5.)

Svensson discloses a mobile communications terminal 10 with both an internal memory INT MEM 30 and external memory EXT MEM 45 to store SMS messages. In particular the internal memory is treated as if it belongs to the hardware equipment of the mobile communications terminal and the external memory belongs to the user and/or to the subscriber, (see Svensson at column 5, lines 11-18.) This means that, in contrast to the respective recitations in claims 1 and 5, the Svensson mobile communications terminal 10 does not collectively change contents of the internal memory INT MEM 30 and external memory EXT MEM 45 because, as cited in column 3, lines 26-28 and lines 36-38 of Svensson, "the user stores only those messages which he is truly interested in saving in the external memory" and, furthermore, "all incoming messages received by the antenna in the cellular mobile terminal are directly sent to the internal memory."

Hubble et al. discloses a mobile phone 3 with a subscriber identification card 4 and memory 12. However, Hubble et al. is silent regarding collectively changing contents of the subscriber identification card 4 and memory 12. More particularly, Hubble is silent regarding anything related to changing contents of the subscriber identification card 4.

Accordingly, it is submitted that claims 4, 8 and 9, which depend from claims 1 and 5 are allowable over the cited art for at least their respective dependencies on claims 1 and 5, as well as for the additional recitations therein.

NEW CLAIMS 14-17

New claims 14-17 are provided to afford a varying scope of protection.

New claim 14 includes patentably distinguishing features not disclosed or suggested by

the cited art, namely "accepting a request from the portable terminal related to a change of setting in the portable terminal; and sending mail including a program code via the wireless communication link to the portable terminal to change setting of the portable terminal, responsive to the accepted request, the program code changing settings stored in both of the built-in memory and the removable storage unit according to contents of the program code" (as recited in claim 14), and is submitted to be allowable.

New claims 15-16 for reasons similar to those of claim 14, is also submitted to be allowable.

New claim 17 includes patentably distinguishing features not disclosed or suggested by the cited art, namely a cell phone upgrade system with "a cell phone including an internal memory and a removable external memory, and sending via a wireless communication link a request to upgraded setting of the cell phone; and an upgrade center to authenticate the cell phone and to allow upgrading thereof by sending an electronic mail including a program code via the wireless communication link to the cell phone to change settings thereof by changing the settings stored in both the internal and removable external memories" (as recited in claim 17), and is submitted to be allowable.

Entry and consideration of these claims are respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

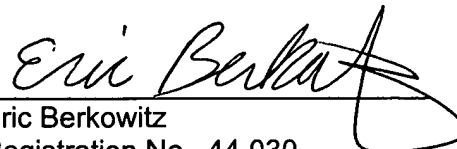
Serial No. 09/760,879

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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